IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

AS.No. 777 of 1998(D)

OS.528/1994 of III ADDL.SUB COURT, KOZHIKODE
.....

APPELLANT: DEFENDANT

CHITTADATH PRAMEELA,
W/O.CHITTADATH MANOHARAN,
PUTHIYANGADI VILLAGE,
EDAKKAD DESOM, KOZHIKODE TALUK.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS: PLAINTIFF

PETER PERIYAPURAM,
S/O. MATHAYI, AGED 42 YEARS,
EMPLOYED AT THE INDIAN EXPRES,
EAST HILL ROAD, CALICUT.

BY ADV. SMT.SUMATHY DANDAPANI

THIS APPEAL SUITS HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

K.PADMANABHAN NAIR, J.

A.S.No. 777 of 1998

Dated this the 2nd November, 2007.

J U D G M E N T

Heard. Admitted. When the appeal came up for admission, the learned counsel appearing for the respondent has submitted that subsequent to the disposal of the suit, the respondent-plaintiff-has received the entire amounts due under the decree. The suit was one for return of advance amount received by the appellant. Appellant agreed that pursuant to the agreement with the respondent-plaintiff for sale of her properties, she received an amount of Rs.50,000/= as advance. But the sale deed was not executed. Subsequently, the plaintiff filed the suit for return of the advance amount. Appellant resisted the claim. The Trial Court has elaborately considered all aspects while decreeing the suit. Receipt of

Rs.50,000/= by the appellant is admitted. So, I do not find any reason to interfere with the find of fact also. There is no merit in this appeal, and the same is only to be dismissed.

In the result, appeal is dismissed.

K.PADMANABHAN NAIR,
JUDGE

nj.

K.PADMANABHAN NAIR, J.

A.S.No. 777 of 1998

J U D G M E N T

Dated:2nd November, 2007.